

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANTHONY BOTEILHO,

Plaintiff,

v.

CHRISTINE GREGOIRE, *et al.*,

Defendants.

CASE NO. C09-5407 BHS/JRC

ORDER DENYING PLAINTIFF'S  
MOTION FOR APPOINTMENT  
OF COUNSEL

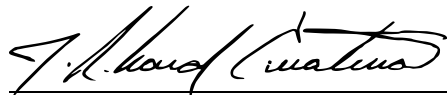
This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4. The matter is before the court on plaintiff's motion for appointment of counsel (DKT # 54).

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court can request counsel to represent a party, 28 U.S.C. § 1915(e) (1), the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both

1 the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro*  
2 *se* in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

3 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se* and has not  
4 made an argument regarding the likelihood of success on the merits. A report and  
5 recommendation to transfer this case to Arizona is pending. Accordingly, the motion, (Dkt #  
6 54), is **DENIED**. Plaintiff's motion for an extension of time to file a reply, (Dkt. # 59), is also  
7 **DENIED**.  
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9 DATED this 28<sup>th</sup> day of June, 2010.

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13 J. Richard Creatura  
14 United States Magistrate Judge  
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